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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DAVID PETERSON, et al.,

11 Plaintiffs,

12 v.

13 UNITED STATES OF AMERICA,

14 Defendant.

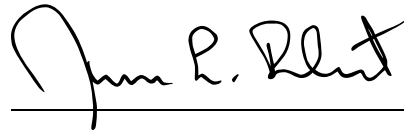
CASE NO. C19-0312JLR

ORDER STRIKING
DEFENDANT'S DISCOVERY
MOTION

15 Before the court is Defendant United States of America's ("the Government")
16 Federal Rule of Civil Procedure 35 motion for an order compelling Plaintiffs David
17 Peterson and Deborah Peterson to submit to psychological examinations. (Mot. (Dkt.
18 # 17).) The Government filed its motion without first requesting a conference with the
19 court. (See Dkt.) The motion therefore contravenes the court's June 4, 2019, scheduling
20 order. (See Sched. Order (Dkt. # 16) at 2 (citing Fed. R. Civ. P. 16(b)(3)(B)(v))
21 ("[P]ursuant to Federal Rule of Civil Procedure 16, the Court 'direct[s] that before
22 moving for an order relating to discovery, the movant must request a conference with the

1 court' by notifying [the courtroom deputy]" (second alteration in original)); *see*
2 *also* Fed. R. Civ. P. 16(b)(3)(B)(v) (permitting the court, in its scheduling order, to
3 "direct that before moving for an order relating to discovery, the movant must request a
4 conference with the court"). Accordingly, the court STRIKES the Government's motion
5 (Dkt. # 17) without prejudice to renewing the motion in a manner that comports with the
6 court's scheduling order.

7 Dated this 6th day of March, 2020.

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10 JAMES L. ROBART
11 United States District Judge
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